

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

SONIA HERNANDEZ,

Defendants.

4:14CR3114

ORDER

Defense counsel orally moved to continue the trial currently set for March 7, 2016, explaining that Defendant needs additional time to negotiate a plea, and if she decides not to enter a plea, then prepare for trial. In addition, Defendant filed a motion to continue, explaining defense counsel is not available during the current trial setting. (Filing No. 123). The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's oral motion, and her filed motion to continue, (filing no. 123), are granted.
- 2) The trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on May 9, 2016, or as soon thereafter as the case may be called, for a duration of five (5) trial days. Jury selection will be held at commencement of trial.
- 3) Based upon the showing set forth in the defendant's motion and the representations of counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly,
 - a. The additional time arising as a result of the granting of the motion, the time between today's date and May 9, 2016, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant

additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

- b. Failing to timely file an objection to this order as provided under the court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

February 18, 2016.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge